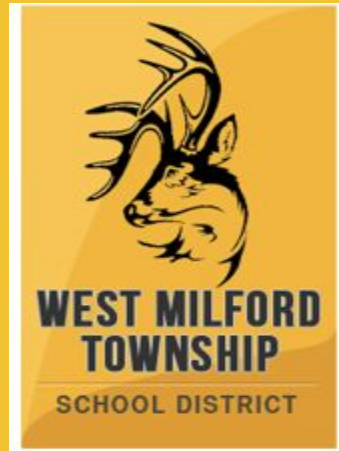


# HIB Law, District Policies and Procedures

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## Experience and Credentials

- MSW, LSW, Certified School Social Worker
- Employed by the district since 2011, 6th year as the ABS.
- The NJDOE and the ABR do not spell out how many hours of training are required for an ABS.
- Each year, since being appointed as the ABS, I have attended more than 12 hours of formal training on the topic of HIB.
- District ABS's meet at least 3 or more times per year with our district Anti-Bullying Coordinator for additional professional development.



# Conflict vs. Bullying

- During a conflict, people are equally involved in some type of disagreement.
- Conflict is considered mutual, meaning everyone is more or less evenly involved.
- When the behavior involves a conflict, the school will take action based on its code of student conduct instead of the Anti-Bullying Rights Act (ABR).

(Guidance for Parents on the Anti-Bullying Rights Act)



# Conflict vs. Bullying

Bullying occurs when:

- One or more students are victims of unwanted or uninvited aggression, as the behavior applies to the definition of harassment, intimidation and bullying in the ABR;
- The aggressor's behavior would lead a person to reasonably believe that the aggressor is motivated by a desire to physically or emotionally hurt someone;
- The aggression is one-sided; and
- The behavior is not an attempt to positively or negatively address or resolve a problem.

(Guidance for Parents on the Anti-Bullying Bill of Rights Act)



# HIB Law Break Down

## WHAT

- Any gesture, any written, verbal or physical act, or any electronic communication.



# HIB Law Break Down

## WHO AND WHY:

- That is **reasonably** perceived as **being motivated either by any actual or perceived characteristic** (such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental physical or sensory disability),
- or by any other distinguishing characteristic



# HIB Law Break Down

## WHERE AND WHEN:

- That takes place on school property, at any school-sponsored function, on a school bus, OR off school grounds as provided for in N.J.S.A 18A: 37-15:3



# HIB Law Break Down

## HOW:

- That substantially disrupts or interferes with the orderly operation of the school or the rights of other students





# HIB Law Break Down

## HOW:

Meets one of the following **three additional criteria**:

- If the actions are such that a reasonable person should know, under the circumstances, will either: (1) **have the effect of physically or emotionally harming a student OR damaging the student's property**, or (2) placing the student in **reasonable** fear of **physical or emotional** harm; OR
- Has the effect of **insulting or demeaning** any student or group of students; OR
- Creates a **hostile educational environment** for the student by **interfering with a student's education** OR by **severely or pervasively causing physical or emotional harm** to the student.



# HIB Law Break Down

## Substantial Disruption

- Could be for only one student; does not have to be widespread disruption of entire class or entire school.
- Could be fear of bully or inability to focus on school due to emotional harm, which may result in substantial disruption (Nash 2014)



# HIB Law Break Down

To qualify as an HIB incident, a situation must have two key elements:

- Incident causes a substantial disruption to the orderly operation of the school.
- Incident is done deliberately to harm another, and it is motivated by a distinguishing characteristic.

# Key HIB Law Amendment

July 2018



- Principal has authority to decide whether or not to begin an investigation based on the scope of the definition of harassment, intimidation, and bullying or HIB in accordance with N.J.A.C. 6A:3.



# HIB Reporting Timelines

- All alleged acts of HIB must be reported verbally to the school principal **on the day** it occurred.
- Principal informs parents that their child is involved in the alleged incident.
- Principal may discuss, as appropriate, the availability of counseling and other intervention services.



# HIB Reporting Timelines

- All acts of HIB shall be reported in writing to the school principal **within two school days** of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to HIB (The Anti-Bullying Bill of Rights 15).



# HIB Reporting Timelines

- The principal will initiate the investigation **within one school day** of the report of the incident.
- The school's anti-bullying specialist will conduct the investigation.



# HIB Reporting Timelines

- The investigation must be completed **within 10 school days** from the date of the written report of the HIB incident.





# HIB Reporting Timelines

- The investigation's results will be reported to the superintendent of schools **within two school days** of the investigation's completion.



# HIB Reporting Timelines

- The superintendent issues a decision and may decide, as a result of the findings, to do the following:
  1. Provide intervention services
  2. Establish training programs to reduce HIB and/or enhance the school climate
  3. Impose discipline
  4. Order counseling
  5. Take or recommend other appropriate action  
(Anti-Bullying Bill of Rights 17)



# HIB Reporting Timelines

- Each investigation's results will be reported to the board of education no later than **the next scheduled board meeting** after the investigation has been completed.
- **Within five days** after the investigation's results are reported, the board of education must provide parents or guardians of the students who are parties to this investigation with information about the investigation.



# HIB Responsibilities

**Anti-bullying specialists** are responsible for the following:

- Conducting HIB investigations in their schools and in other schools in the district if assistance is needed
- Completing the investigations using MyK12 computer program.
- Selecting remedial measures for both aggressors and recipients



# HIB Responsibilities

**Principals** are responsible for the following:

- Contacting parents at the beginning of an investigation
- Assigning an anti-bullying specialist to conduct the investigation
- Determining disciplinary measures to be taken in all HIB incidents



# HIB Responsibilities

**The superintendent's office** is responsible for the following:

- Issuing final decisions on whether an investigation is an affirmed HIB or non-HIB
- Communicating the board's decision in an HIB investigation to the parents of the students involved
- Recommending additional or alternative disciplinary or remedial measures
- Communicating to HIB personnel the board's final decision on all HIB incidents

# HIB Parental Rights of Appeal



## Following First Notification

- A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request.

# HIB Parental Rights of Appeal



## After the Board's Decision

- The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than **60** days after the issuance of the board's decision.





# HIB Parental Rights of Appeal

- A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights **within 180 days** of the occurrence of any incident.



## Final Thoughts

- **Not all unkindness is bullying**
- **In NJ “bullying” is a legal term and has to meet specific criteria spelled out in the law.**
- **HIB vs Non-HIB determination: discipline and remedial measures are applied in the same way, regardless of the outcome.**



- **Counter HIB claims and reactive accusations**

**Questions???**